

[H.R. 4470, Safe Drinking Water Act Improved Compliance Awareness Act](#)

FLOOR SITUATION

On Wednesday, February 10, 2016, the House will consider [H.R. 4470](#), the Safe Drinking Water Act Improved Compliance Awareness Act, under suspension of the rules. H.R. 4470 was introduced on February 4, 2016 by Rep. Daniel Kildee (D-ME), and was referred to the Committee on Energy and Commerce.

SUMMARY

H.R. 4470 requires each owner or operator of a public water system to notify its customers when 10% of its customers have lead levels above the “lead action level,” or 15 parts per billion. The notice must be provided to the appropriate media outlets, prominently published for circulation in the affected area, or provided through door-to-door notification. If the “lead action level” is exceeded and it is determined that short-term exposures have the potential to cause serious adverse effects on human health, the Environmental Protection Agency (EPA) is required to make a public notice within 24 hours of the State or the owner or operator learning about it and not informing the affected customers.

In addition, the EPA is required to develop a strategic plan for how the Administrator, States that enforce the federal Safe Drinking Water Act, and drinking water systems conduct targeted outreach, education, technical assistance, and risk communication to people affected by lead in their drinking water. It also makes EPA disseminate information it has about a water system that contains excessive lead amounts to the owner or operator of that water system and the State where the system is located.

Under this bill, owners and operators of public water systems must identify and provide notice to people who may be affected by lead contamination resulting from lead pipes, corrosive piping, or an exceedance of the “lead action level” in their drinking water.

Finally, this legislation requires a better explanation of the “lead action level” be included in the annual report to customers on the level of contaminants in their drinking water and requires the EPA to

conduct targeted outreach to groups that may be at greater risk than the general population of adverse health effects from exposure to lead in drinking water.

BACKGROUND

In April 2014, the city of Flint, Michigan changed its water source from water provided by the Detroit water system to water treated by Flint and sourced through the Flint River. This issue has received significant public attention in recent months as reports indicated residents began complaining that water looked dirty, tasted bad, and was causing rashes.¹ According to reports, by the fall of 2015, the number of children with above-average levels of lead in their blood doubled.² On December 15, 2015, the Mayor of Flint declared a state of emergency, and on January 5, 2016, the Governor declared a state of emergency for the Flint area and surrounding county.³ On January 16, 2016 President Obama signed an emergency declaration ordering federal assistance to support state and local response efforts in Flint.⁴ The city has since reverted to using treated water from Detroit, but testing still reveals elevated levels of lead in Flint's water due to corrosion damage in piping.⁵

The Environmental Protection Agency is the primary federal agency charged with ensuring Americans are protected from significant risks to human health and the environment where they live and work.⁶ Federal drinking water regulations apply to the approximately 152,700 privately and publicly owned water systems that provide piped water for human consumption to at least 15 service connections or that regularly serve at least 25 people. These water systems vary greatly in size and type, ranging from large municipal systems to homeowner associations, schools, and campgrounds.

The Safe Drinking Water Act (SDWA) establishes standards and treatment requirements for public water supplies, promotes compliance capacity of public water systems, directs EPA to provide technical assistance to water systems, as well as protect sources of drinking water. Congress has amended the SDWA on 11 occasions since its original enactment in 1974. In 1988 Congress amended the Act with the Lead Contamination Control Act of 1988 (P.L. 100-572). Provisions within the Act were intended to reduce exposure to lead in drinking water by requiring the recall of lead-lined water coolers and requiring the EPA to issue a guidance document and testing protocol for states to help schools and day care centers identify and correct lead contamination in school drinking water.⁷

The SDWA requires the EPA to promulgate national primary drinking water regulations for contaminants that may pose health risks and are likely to be present in public water supplies. The EPA has issued regulations for more than 90 water contaminants, including regulations setting standards or treatment techniques for drinking water disinfectants and their byproducts, microorganisms (e.g., *Cryptosporidium* and *Legionella*), radionuclides, organic chemicals (e.g., benzene and many pesticides), and inorganic chemicals (e.g., arsenic and lead).⁸

The SDWA created a federal-state arrangement in which states may be delegated primary implementation and enforcement authority (primacy) for the drinking water program and the underground injection control (UIC) program. The state-administered Public Water Supply

¹ See [Committee on Energy and Commerce letter to EPA Administrator Gina McCarthy](#) January 15, 2016

² See Washington Post article [“This is how toxic Flint’s water really is”](#) January 15, 2015

³ See [Committee on Energy and Commerce letter to EPA Administrator Gina McCarthy](#) January 15, 2016

⁴ See EPA’s [“Flint Drinking Water Response”](#)

⁵ Id.

⁶ See EPA’s [“Our Mission and What We Do”](#)

⁷ See CRS Report [“Safe Drinking Water Act \(SDWA\): A Summary of the Act and its Major Requirements,”](#) January 6, 2016.

⁸ Id.

Supervision (PWSS) Program remains the basic program for regulating the nation's public water systems, and 49 states have assumed this authority, including Michigan.⁹

COST

The Congressional Budget Office estimates that the bill triggers no direct spending, no new revenue, and discretionary spending is scored at less than \$500,000.

STAFF CONTACT

For questions or further information please contact [Jake Vreeburg](#) with the House Republican Policy Committee by email or at 3-1555.

⁹ Id.